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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION THREE

In re MARY V., a Person Coming Under the Juvenile Court Law.	B305226
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. MELODY V., Defendant and Appellant.	Los Angeles County Super. Ct. No. 18CCJP04165B

APPEAL from an order of the Superior Court of
Los Angeles County, Stephen C. Marpet, Judge Pro Tempore.
Affirmed.

Caitlin Christian, under appointment by the Court of
Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kim Nemoy, Assistant
County Counsel, and Chukwunwike Emenike, Deputy County
Counsel for Plaintiff and Respondent.

INTRODUCTION

Melody V. (mother) appeals from the juvenile court's jurisdiction findings and disposition order declaring her infant daughter Mary a dependent of the court and removing the child from her custody. Mother contends insufficient evidence supports the court's jurisdiction findings based on her mental health issues and prior physical abuse of Mary's sibling. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

1. The Family's Background and Prior Child Welfare History

Mary was born in November 2019. Mother has four other children, two sons and two daughters, who range in age from 2 years old to 10 years old. Mother's other children were all declared dependents of the court before Mary came to the attention of the Department of Children and Family Services (Department).

In October 2017, the juvenile court declared mother's two sons and one of her daughters dependents after it found mother physically abused the oldest son by pinching him, slapping him with a belt and shoe, and pinning him against a wall with a table. The court also found mother suffered from bipolar disorder, severe depression and anxiety, and suicidal ideation and failed to take her prescribed psychotropic medication, which rendered her incapable of providing regular care to the children and placed them at risk of suffering serious physical harm. The court awarded mother reunification services, ordering her to take all prescribed medication, participate in conjoint counseling with the children when deemed appropriate by their therapists, and participate in individual counseling and parenting classes. A year

after declaring the children dependents, the court terminated mother's reunification services.

Mother's second oldest daughter came to the Department's attention shortly after she was born in June 2018. The caller reported that mother had not attended counseling with her psychiatrist since she became pregnant with the child. Mother also was struggling during her visits with the other children, and she would often need to be prompted to take care of the children's needs, such as changing their diapers. In August 2018, the court declared the second oldest daughter a dependent of the court and ordered her removed from mother's custody based on the same allegations leading to the other children's dependency proceedings. In September 2019, the court terminated mother's reunification services as to her second oldest daughter. The court later placed that child with her father.

2. The Initiation of Mary's Dependency Proceedings

Shortly after Mary was born, the Department received a report that mother continued to have unresolved mental health issues, including suffering from Bipolar Disorder, Panic Disorder, Post-Traumatic Stress Disorder, Bulimia, Anorexia Nervosa, and Trichotillomania. According to the reporting party, mother was inconsistent in receiving treatment from her psychiatrist.

One of the Department's social workers interviewed mother the day after Mary was born. Mother stated she's "a work in progress." When asked why she didn't complete her prior reunification plans, mother blamed the social worker in the other case, claiming the worker didn't articulate what mother "really needs to do." Mother didn't take medication for her mental health issues while she was pregnant with Mary, but she was willing to start taking medication again. Mother wanted to find a

psychiatrist who could provide treatment, and she was willing to attend parenting classes and therapy. Mother planned to live in a motel while she looked for a job and more stable housing.

A “Family Case Worker” detailed mother’s progress in her other children’s cases over the past six months. Mother denies responsibility for the siblings becoming dependents of the court and often blames the children and the Department for the court’s involvement. Mother is “very manipulative” and refuses “to take any [Department] or professional recommendations that will assist in her children’s growth.” Mother’s participation in mental health services was inconsistent throughout the other children’s proceedings. She usually participated in a mental health program for about three to four weeks before dropping out.

Mother often speaks to Mary’s siblings in a “negative tone,” and she has yet to implement “any new qualities or behaviors to help keep the children safe.” On one occasion, the case worker had to cut short a visit with Mary’s siblings because mother kept yelling and cursing at them. Mother also frequently misses visits with the children, violates visitation rules, and shows up to the children’s out-of-home placements without permission. According to the case worker, mother has yet to show she’s capable of keeping any of her children safe, including Mary, because she has yet to resolve any of the issues that led to Mary’s siblings becoming dependents of the court.

In December 2019, the Department filed a petition under Welfare and Institutions Code¹ section 300, alleging mother’s physical abuse of her oldest son (a-1, b-1, and j-1 allegations) and

¹ All undesignated statutory references are to the Welfare and Institutions Code.

her mental health issues (b-2 and j-2 allegations) place Mary at risk of suffering serious physical harm. The court found the petition alleged a prima facie case under section 300 and ordered Mary detained from mother's custody.

3. Jurisdiction and Disposition

The Department interviewed mother in February 2020. Mother claimed all her mental health diagnoses "are old[,] like years ago." Mother started taking medication again about four years ago, after her second son was born, but she stopped after a year because her boyfriend at the time didn't want her taking medication. She didn't take any medication while she was pregnant with her second oldest daughter, and she continued not taking any medication before she was pregnant with Mary. After Mary was born, mother started taking 50 milligrams of medication that is the "generic for Zoloft."

Mother initially denied ever hitting her oldest son, claiming he was taken from her at birth and placed in foster care. Mother later admitted she pinned the child against the wall using a table, but she claimed she did so to make him calm down because she was running late for work. Mother continued to deny she ever pinched or otherwise hit any of her children.

The Department's Multidisciplinary Assessment Team's (MAT) report noted that mother appeared "to be nurturing with infant Mary and ... knowledgeable of soothing strategies." Mother told the MAT that she was taking medication consistently for the past three months, and she scheduled an appointment with Tri-City Mental Health Services (Tri-City) "for a re-diagnosis and ongoing mental health services." Mother was attending anger management courses and weekly group therapy at Tri-City, and she was on the waiting list for Tri-City's

parenting classes. According to mother, once she completes “8 groups” she’ll be assigned an individual therapist.

In mid-February, Tri-City issued a treatment plan for mother. Mother was diagnosed with anxiety and prescribed Zoloft.

The court held the jurisdiction and disposition hearing in March 2020. The court sustained the b-2, j-1, and j-2 allegations and dismissed the remaining allegations. The court declared Mary a dependent of the court, ordered her removed from mother’s custody, and awarded mother reunification services.

Mother appeals.

DISCUSSION

Mother contends the court erred in finding her mental health issues and prior physical abuse of her oldest son support jurisdiction under section 300, subdivisions (b) and (j). As we explain, substantial evidence supports the court’s jurisdiction findings.

Section 300, subdivision (b)(1), allows a juvenile court to exercise jurisdiction over a child if the “child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent ... to adequately supervise or protect the child” (§ 300, subd. (b)(1).) Subdivision (b)(1) requires only that a parent has failed or is unable to adequately supervise or protect her child; it does not require negligent or culpable conduct by the parent. (*In re R.T.* (2017) 3 Cal.5th 622, 629 (*R.T.*).)

A court may also exercise jurisdiction over a child under section 300, subdivision (j), where the child’s sibling has been “abused or neglected” as defined under one of the other subdivisions of section 300, if there is “a substantial risk that the

child will be abused or neglected, as defined in those subdivisions.” (§ 300, subd. (j).) In determining whether jurisdiction is appropriate under subdivision (j), the court “shall consider the circumstances surrounding the abuse or neglect of the sibling, the age and gender of each child, the nature of the abuse or neglect of the sibling, the mental condition of the guardian, and any other factors the court considers probative in determining whether there is a substantial risk to the child.” (§ 300, subd. (j).)

Under section 300, subdivision (j), the “‘court is to consider the totality of the circumstances of the child and his or her sibling in determining whether the child is at substantial risk of harm, within the meaning of *any* of the subdivisions enumerated in subdivision (j). The provision thus accords the ... court greater latitude to exercise jurisdiction as to a child whose sibling has been found to have been abused than the court would have in the absence of that circumstance.’ [Citation.]” (*In re I.J.* (2013) 56 Cal.4th 766, 774 (*I.J.*).

“The juvenile court need not wait until a child is seriously injured to assume jurisdiction if there is evidence that the child is at risk of future harm from the parent’s negligent conduct. [Citation.]” (*In re Yolanda L.* (2017) 7 Cal.App.5th 987, 993.) The court may consider past events as an indicator of whether the child faces a current risk of harm because “[a] parent’s past conduct is a good predictor of future behavior.” (*In re T.V.* (2013) 217 Cal.App.4th 126, 133 (*T.V.*)). A parent’s denial of wrongdoing or failure to recognize the negative impact of her conduct is also relevant to determining risk under section 300. (*In re A.F.* (2016) 3 Cal.App.5th 283, 293.) Nevertheless, to show the child faces a risk of harm at the time of the jurisdiction hearing, there “must

be some reason beyond mere speculation to believe the alleged conduct will recur. [Citation.]” (*In re James R.* (2009) 176 Cal.App.4th 129, 136.)

We review a juvenile court’s jurisdiction finding for substantial evidence. (*In re E.E.* (2020) 49 Cal.App.5th 195, 206 (*E.E.*)). We will affirm the finding if it is supported by evidence that is reasonable, credible, and of solid value. (*In re R.V.* (2012) 208 Cal.App.4th 837, 843.) We review the record in the light most favorable to the court’s findings and draw all reasonable inferences from the evidence in favor of those findings. (*R.T.*, *supra*, 3 Cal.5th at p. 633.) “The appellant has the burden of showing there is no evidence of a sufficiently substantial nature to support the findings or order.” (*R.V.*, at p. 843.)

We first address the j-1 allegation based on mother’s prior physical abuse of her oldest son. Although the abuse occurred more than two years before the jurisdiction hearing in this case, the record contains ample evidence showing mother has yet to resolve any of the issues that led to her son being declared a dependent of the court. Thus, mother’s physical abuse of her son is a strong indicator that her behavior places Mary at risk of harm. (See *T.V.*, *supra*, 217 Cal.App.4th at p. 133 [a parent’s past conduct is a good predictor of future behavior].)

For instance, throughout the Department’s investigation in Mary’s case, mother denied she ever abused her son. Mother claimed she never struck or otherwise hit the child, and, although she eventually admitted she pinned him against a wall with a table, she tried to minimize her conduct. In addition, the siblings’ case worker who was working with the family when Mary first came to the Department’s attention reported that mother blamed the children and the Department, not herself, for the children’s

dependency proceedings. Mother's denial of any responsibility for her children becoming dependents of the court supports an inference that mother's behavior is likely to recur in the future. (*E.E.*, *supra*, 49 Cal.App.5th at p. 205 [a parent's refusal to accept responsibility for their conduct supports a finding that her child faces a current risk of serious harm].)

The siblings' case worker also reported that mother frequently spoke to the children in negative tones, inconsistently participated in, and had yet to complete, most of her court-ordered services, and had yet to implement "any new qualities or behaviors to help keep her children safe." In other words, by the time Mary came to the court's attention, mother hadn't taken any meaningful steps to address the issues that posed a risk of serious harm to Mary's siblings, including mother's mental health issues and her physical abuse of her oldest son. (See *I.J.*, *supra*, 56 Cal.4th at p. 774 [under subdivision (j), the court should consider the circumstances of the sibling who was previously declared a dependent in determining whether the child currently before the court faces a serious risk of harm].)

To be sure, mother started participating in services during Mary's case, including therapy, parenting programs, and mental health services. But, considering mother's lengthy history of failing to follow through with her court-ordered case plans, including her history of inconsistently treating her mental health issues, the court reasonably could have concluded that mother had yet to resolve the problems necessitating her prior case plans. Thus, mother's physical abuse of her oldest son, her failure to accept responsibility for that abuse, and her failure to follow through with court-ordered case plans, create a present risk of

harm to Mary's safety. (*T.V.*, *supra*, 217 Cal.App.4th at p. 133; *E.E.*, *supra*, 49 Cal.App.5th at p. 205.)

In short, substantial evidence supports the court's finding sustaining the j-1 allegation. Because that finding alone is sufficient to maintain dependency jurisdiction over Mary, and because mother does not challenge any aspect of the court's disposition order, we need not address mother's challenge to the sufficiency of the evidence to support the court's findings sustaining the b-2 and j-2 allegations. (*In re M.W.* (2015) 238 Cal.App.4th 1444, 1452 [a single jurisdiction finding is sufficient to maintain dependency jurisdiction over a child].)

DISPOSITION

The juvenile court's jurisdiction findings and disposition order are affirmed.

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LAVIN, Acting P. J.

WE CONCUR:

EGERTON, J.

DHANIDINA, J.